

1 **TRANSPORTATION RIGHTS-OF-WAY SAFETY**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: \_\_\_\_\_

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**LONG TITLE**

8 **General Description:**

9 This bill enacts a provision relating to state transportation purposes.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ expands the definition of "state transportation purposes," within transportation  
13 rights-of-way provisions, to include the construction and maintenance of pathways  
14 ~~↳~~ **↳** [used to divert] **for** ~~↳~~ **↳** pedestrians and ~~↳~~ **↳** other ~~↳~~ **↳** nonmotorized ~~↳~~ **↳** [vehicle traffic away  
15a **from a highway in**  
16 **order**] **transportation** ~~↳~~ **↳** to enhance traffic safety and efficiency on the highway.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **72-5-102**, as last amended by Laws of Utah 2001, Chapter 79

24 **78B-6-501**, as last amended by Laws of Utah 2013, Chapter 327

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*Be it enacted by the Legislature of the state of Utah:.*

26 Section 1. Section **72-5-102** is amended to read:  
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28 **72-5-102. Definitions.**

29 As used in this part, "state transportation purposes" includes:

30 (1) highway and public transportation rights-of-way, including those necessary within  
31 cities and towns;

32 (2) the construction, reconstruction, relocation, improvement, maintenance, and  
33 mitigation from the effects of these activities on state highways and other transportation  
34 facilities under the control of the department;

35 (3) limited access facilities, including rights of access, air, light, and view and frontage  
36 and service roads to highways;

37 (4) adequate drainage in connection with any highway, cut, fill, or channel change and  
38 the maintenance of any highway, cut, fill, or channel change;

39 (5) weighing stations, shops, offices, storage buildings and yards, and road  
40 maintenance or construction sites;

41 (6) road material sites, sites for the manufacture of road materials, and access roads to  
42 the sites;

43 (7) the maintenance of an unobstructed view of any portion of a highway to promote  
44 the safety of the traveling public;

45 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,  
46 barriers, and obstructions for the convenience of the traveling public;

47 (9) the construction and maintenance of storm sewers, sidewalks, and highway  
48 illumination;

49 (10) the construction and maintenance of livestock highways;

50 (11) the construction and maintenance of roadside rest areas adjacent to or near any  
51 highway; ~~and~~

52 (12) the mitigation of impacts from public transportation projects[-]; and

53 ~~§→ [(13) the construction and maintenance of a pathway:~~

54 ~~—— (a) located within or adjacent to a highway right-of-way or an abandoned railroad~~  
55 ~~right-of-way;~~

56 ~~—— (b) intended for use by pedestrians and others using bicycles or other nonmotorized~~  
57 ~~modes of transportation; and~~

58 ~~—— (c) designed to divert pedestrians and other nonmotorized traffic away from a nearby~~ ← §

59 ~~§→highway in order to enhance traffic safety and efficiency on the highway.]~~

59a (13) the construction and maintenance of a pathway:

59b (a) for pedestrians, bicyclists, and other nonmotorized transportation; and

59c (b) designed to enhance the safety and efficiency of a nearby highway. ←§

60 Section 2. Section **78B-6-501** is amended to read:

61 **78B-6-501. Eminent domain -- Uses for which right may be exercised.**

62 Subject to the provisions of this part, the right of eminent domain may be exercised on  
63 behalf of the following public uses:

64 (1) all public uses authorized by the federal government;

65 (2) public buildings and grounds for the use of the state, and all other public uses  
66 authorized by the Legislature;

67 (3) (a) public buildings and grounds for the use of any county, city, town, or board of  
68 education;

69 (b) reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water or  
70 sewage, including to or from a development, for the use of the inhabitants of any county, city,  
71 or town, or for the draining of any county, city, or town;

72 (c) the raising of the banks of streams, removing obstructions from streams, and  
73 widening, deepening, or straightening their channels;

74 (d) bicycle paths and sidewalks adjacent to paved roads;

75 (e) roads, byroads, streets, and alleys for public vehicular use, including for access to a  
76 development, excluding trails, paths, or other ways for walking, hiking, bicycling, equestrian  
77 use, or other recreational uses, or whose primary purpose is as a foot path, equestrian trail,  
78 bicycle path, or walkway; ~~and~~

79 (f) notwithstanding the exclusion under Subsection (3)(e), a pathway described in  
80 Subsection 72-5-102(13); and

81 ~~(f)~~ (g) all other public uses for the benefit of any county, city, or town, or its  
82 inhabitants;

83 (4) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank  
84 and turnpike roads, roads for transportation by traction engines or road locomotives, roads for  
85 logging or lumbering purposes, and railroads and street railways for public transportation;

86 (5) reservoirs, dams, watergates, canals, ditches, flumes, tunnels, aqueducts and pipes  
87 for the supplying of persons, mines, mills, smelters or other works for the reduction of ores,  
88 with water for domestic or other uses, or for irrigation purposes, or for the draining and  
89 reclaiming of lands, or for the floating of logs and lumber on streams not navigable, or for solar